

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF TEXAS

UNITED STATES COURTHOUSE
800 FRANKLIN AVENUE, ROOM 301
WACO, TEXAS 76701

Walter S. Smith, Jr.
Judge

Telephone: (254) 750-1519

September 18, 2013

(1) KENNETH ERIC IRBY

Re: Criminal Action: WA:13-CR-00100(1)-WSS
UNITED STATES OF AMERICA vs
(1) KENNETH ERIC IRBY

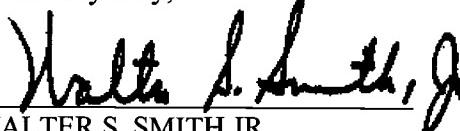
Dear (1) KENNETH ERIC IRBY,

You are advised that you may appeal the sentence imposed by this Court in the above cause to the Court of Appeals for the Fifth Circuit under certain circumstances set out in 18 U.S.C. §3742. Under Rule 4(b) of the Federal Rules of Appellate Procedure, a notice of appeal must be filed with the United States District Clerk within fourteen (14) days after entry of the Judgment or Order from which you are appealing.

If you desire him to do so, the District Clerk will, upon request, prepare and file the notice of appeal on your behalf but, of course, you must make the request within the fourteen (14) day period indicated. In addition to stating that you are taking the appeal, your notice of appeal must designate the Judgment or Order appealed from, and the fact that you are appealing to the Court of Appeals. It should also designate the portions of the proceedings not already on file which you deem necessary that the reporter include in the record. Such designation must, of course, in any event, be made within fourteen (14) days after filing the notice of appeal. See Rule 10(b), Federal Rules of Appellate Procedure.

If you were represented at trial by employed counsel but you are unable to pay the cost of the appeal, you have the right to apply to the Court for leave to appeal in forma pauperis, in accordance with Rule 24(a), Federal Rules of Appellate Procedure. Your application to appeal in forma pauperis must be filed with the Clerk within the fourteen (14)-day period; otherwise, it may not be considered by the Court. If, however, you were permitted to proceed in the district court as one who is financially unable to obtain adequate defense (that is, if the Court appointed an attorney to represent you at trial), then you may proceed on appeal in forma pauperis without further authorization, unless the Court certifies in writing that you are not entitled to so proceed, which is likely to be the case if you were convicted on a guilty plea and your sentence was within the guidelines. In either case, you must also file, or request the District Clerk to file, the notice of appeal within the fourteen (14) day period provided by Rule 4(b) of the Federal Rules of Appellate Procedure.

Yours very truly,



WALTER S. SMITH JR
UNITED STATES DISTRICT JUDGE

cc: Ginese Simmons-Gilbert